IN RE: PETITION FOR ZONING VARIANCE E/S Sandhill Road, 400' N of the c/l of Compass Road (109 Sandhill Road) 15th Election District

Petitioners

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 91-57-A

5th Councilmanic District William A. Chapman, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard, and to amend the previously approved partial development plan of Goldentree, Plat 1, Section 3, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as Protestants in the matter were Mr. & Mrs. Charles A. Graves, Jr., nearby residents. Testimony indicated that the subject property, known as 109 Sandhill Road, consists of .239 acres zoned D.R. 10.5 and is improved with a single family dwelling and an accessory structure (shed) which is the subject matter of this hearing. Petitioners filed the instant Petition - as a result of a complaint filed with the Zoning Office by Dorothy Graves who resides on the property to the front of the subject site. Petitioners testified the subject shed was constructed in November 1987 for purposes of storing lawn and garden tools. Testimony indicated Petitioners placed the shed in the front yard in the location shown on Petitioner's Exhibit 1 because the rear yard slopes to one side and is spongy in spots. In support of their position, Petitioners submitted photographs of their property depicting the location of the subject shed and its relationship to the Graves' property. As can be seen from Petitioner's Exhibit 1, Petitioners'

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

October 19, 1990

Mr. & Mrs. William A. Chapman 109 Sandhill Road Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE E/S Sandhill Road, 400' N of the c/l of Compass Road (109 Sandhill Road) 15th Election District - 5th Councilmanic District William A. Chapman, et ux - Petitioners Case No. 91-57-A

Dear Mr. & Mrs. Chapman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Me de las ten oui i y ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Very truly yours,

Dennis F. Rasmussen

cc: Mr. & Mrs. Charles Graves, Jr. 111 Sandhill Road, Baltimore, Md.

People's Counsel

front yard is located to the rear of the Graves' property across a panhandle drive. Petitioners testified that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship. Further, Petitioners argued the granting of the variance would not be detrimental to the health, safety or general welfare of the community.

Mrs. Graves, who resides at 111 Sandhill Road, testified in opposition to the relief requested. She testified that the Goldentree Community Association, of which she is a representative, is opposed to the subject shed in its present location as in addition to it violating Baltimore County zoning requirements, the shed's location violates restrictive covenants of the Goldentree community.

All parties conceded there is hostility between them and that there have been problems between them since the Petitioners moved to the subject location in 1984.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-57-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __400.1 to permit an accessory structure in the front yard____

instead of the rear yard. and to amend the last approved partial development plan of Guldentree, Pint 1, Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) My lot slopes downhill and away from my house in the rear so it is impossible to put a shed in the rear of my property. Access to the shed would be impossible. My home is in a panhandle and a shed in the front NE4H of my house is similar in location to a shed in the rear of my neighbor's

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: William A. Chapman (Type or Print Name)

(Type or Print Name) Signature Address

City and State Attorney for Petitioner: 109 SANDITILL AD 686-8768 (Type or Print Name) BALTIMORE MD. 21221

Name, address and phone number of legal owner, contract purchaser or representative to be contacted City and State

ORDERED By The Zoning Commissioner of Baltimore County, this ____ 19_90, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 11 day of October, 1996, at 10:30 o'clock

Attorney's Telephone No.: _____

The case law in Maryland is clear that this is not the proper forum to enforce private covenants, as stated by the Court of Appeals in Maryland in Perry v. County Board of Appeals, 211, Md. 294, 127 A2d 507 (1956). Thus, the private covenants shall not be considered in rendering this decision.

After due consideration of the testimony and evidence presented, it appears that if the requested variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. While the subject shed was constructed without benefit of a permit, it has existed in its present location for more than three years without complaint. Further, the photographs submitted by Petitioners would indicate that consideration was given to construct a shed that would be compatible with the character of the existing dwelling and is well-maintained.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ______day of October, 1990 that the Petition for Zoning Variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard, and to amend the previously approved partial development plan of Goldentree, Plat 1, Section 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

Beginning on the east side of Sandhill Road, 60 feet wide, at the distance of 400 feet north of the centerline of Compass Road, Plat 1, Section 3, of the subdivision of "Goldentree", Plat Book 48, Folio 117. Also known as 109 Sandhill Road, containing .239 acres in the 15th Election District.

reversed, the Petitioner would be required to bring the property into compliance with the zoning regula-

2) The relief granted herein is limited to the existing shed. Petitioners shall at all times maintain the shed in good condition. In the event it becomes necessary to replace the existing shed, Petitioners will be required to comply with the zoning regulations in effect at that time.

MNes trang ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

ZONING DEPARTMENT OF BALTIMORE COUNTY Yourson, Maryland	
District 15Th	Date of Posting 2/27/90
Petitioner: 11 m. A. Chapman Location of property: ELS Sand hill	any of ux
109 Sandhill Rd.	- Ade Hoo N/ Compas Rd.
Location of Signs: Facisity Sond h	ill Rds, oppron 15' for foud way
Rapo perty of Petitioners	·
Remarks:	
Posted by Maleraly	Date of return: 9/28/90

	Baltimore County
ALCOHOL:	Zoning Commision
流流	County Office Building
X (7.4	111 West Chesapeake Av
(5110)	Towson Maryland 21204

Account: R-001-6150

H9100015

PUBLIC HEARING FEEE

010 -ZONING VARIANCE (IRL) 535,00

TOTAL: \$35.00 LAST NAME OF OWNER: CHAPMAN

04A04#0018MICHRC BA COUS: 04FM07-13-90 Please make checks payable to: Baltimore CountEXT BUSINESS DAY

Petition for Zoning Variance
Case number: 91-57-A
E/S of Sandhill Road, 400' f
of c/l Compass Road
109 Sandhill Road
15th Election District
5th Counclimanic
Petitioner(s)
William A Chapman, et us Verience: to permit an accessory structure in the formt yard instead of the rear yard and to amend the last approved partial development plan of Goldentree, Plat 1, Section 3.

In the event that this Petition is

J. ROBERT HAINES

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the isany request for a stay of this suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. Zoning Commissioner of Baltimore County

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-57-A
E/S of Sandhill Road, 400' N of c/l of
Compass Road
109 Sandhill Road
15th Election District — 5th Councilmanic
Petitioner(s): William A. Chapman, et HEARING: THURSDAY, OCTOBER 11, 1990 AT 10:30 A.M.

Variance to permit an accessory structure in the front yard instead of the rear yard and to amend the last approved partial development plan of Goldentree, Plat 1, Section 3. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the

J. Robert Hainer

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

(301) 887-3353

J. Robert Haines Zoning Commissioner

Mr. & Mrs. William A. Chapman 109 Sandhill Road

Baltimore, MD 21221

Petitioner: William A. Chapman, et ux

Dear Mr. & Mrs. Chapman:

with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing

MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS

Enclosures

THIS IS TO CERTIFY, that the annexed advertisement was

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___successive weeks, the first publication appearing on __

THE JEFFERSONIAN,

5. Zehe Orlm

Zoning Commisioner

County Office Building

111 West Chesapeake Avenue

PUBLIC HEARING FEES

Baltimore County

(301) 887-3353

J. Robert Haines

Zoning Commissioner

Office of Planning & Zoning

7th day of July, 1990.

Petitioner: William A. Chapman, et ux

Petitioner's Attorney:

Towson, Maryland 21204

Cashler Validation:

LAST NAME OF OWNER: CHAPMAN

080 -POSTING SIGNS / ADVERTISING 1 X

TOTAL: 893.95

Please make checks payable to- Baltimore County

Your petition has been received and accepted for filing this

A. Robert Springer

ZONING COMMISSIONER

Received By:

O4AO4#OOBAMICHRO

MA CO10:00AM10-11-90

Qe Times

\ This is to Certify, That the annexed

7# 0/07082 was inserted in Oge Times, a newspaper printed and published in Baltimore County, once in each

October 1, 1990

RE: Item No. 15, Case No. 91-57-A

Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted

scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

William A. Chapman 109 Sandhill Road Baltimore, Maryland 21221

> Petition for Zoning Variance CASE NUMBER: 91-57-A E/S of Sandhill Road, 400 N of c/l of Compass Road 109 Sandhill Road 15th Election District - 5th Councilmanic Petitioner(s): William A. Chapman, et ux HEARING: THURSDAY, OCTOBER 11, 1990 at 10:30 a.m.

Dear Petitioners:

is due for advertising and posting of Please be advised that \$ the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

BALTIMORE COUNTY, MARYLAND

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

PK/JL/cmm

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Baltimore County

Zoning Commissioner of

cc: Mr. & Mrs. Chapman

Baltimore County

Baltimore County

(301) 887-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner

Office of Planning & Zoning

Petition for Zoning Variance

CASE NUMBER: 91-57-A

109 Sandhill Road

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building

Variance to permit an accessory structure in the front yard instead of the rear yard and to amend

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi

during this period for good cause shown. Such request must be in writing and received in this office by the

located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

the last approved partial development plan of Goldentree, Plat 1. Section 3.

E/S of Sandhill Road, 400' N of c/l of Compass Road

HEARING: THURSDAY, OCTOBER 11, 1990 at 10:30 a.m.

date of the hearing set above or presented at the hearing.

15th Election District - 5th Councilmanic

Petitioner(s): William A. Chapman, et ux

Towson, Maryland 21204

August 10, 1990

Dennis F. Rasmussen

Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 11, 13, 15, 16, 17, 18, 20, 22, 23, 24, 25, 28,

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

DATE: August 6, 1990

INTER-OFFICE CORRESPONDENCE

Office of Planning and Zoning

SUBJECT: William A. Chapman, Item No. 15

Office of Planning at 887-3211.

ITEM15/ZAC1

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke Chief

July 30, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: WILLIAM A. CHAPMAN

#109 SANDHILL ROAD Location: Zoning Agenda: AUGUST 7, 1990 Item No.: 15

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER Cott look telly 7-30-90 Approved Castom W.F. Bully 7-30-90 Approved Fire Prevention Bureau Planying Group Special Inspection Division

JK/KEK

PROPERTY LINES

Gentlemen:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: /5 PROPERTY OWNER:

ELECTION DISTRICT: COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() RAMPS (degree slope) () PARKING LOCATION () CURB CUTS () NUMBER PARKING SPACES

LOCATION:

() SIGNAGE () BUILDING ACCESS () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

BALTIMORE COUNTY BUILDING CODE. A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER -

REQUIRED.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for August 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 15, 16, 17, 18, 20, 23, 24, 25, and 28.

For Item 13, water and sewer are available to the site. The Developer is responsible for extension of the paved road to the proposed lot with an 18-foot open paving section, ending with a 40-foot x 50-foot turnaround area and any drainage structures required.

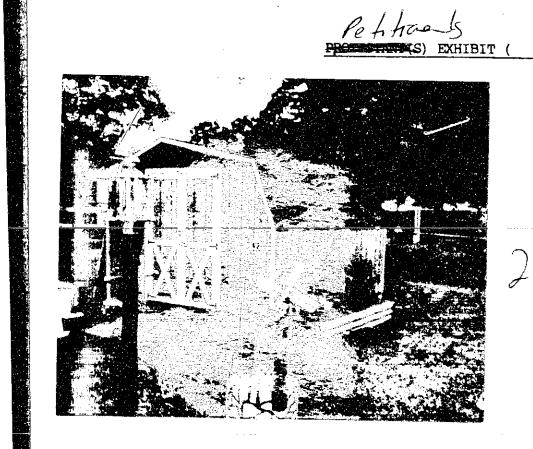
For Item 22, water and sewer are available to the site. No public improvements are required.

For Item 29, the 5-foot utility easement along the west lot line of Lot III is a County easement, and as such, no permanent structures are allowed within Robert W. Bowling, P.E. Chief the easement area. Developers Engineering Division

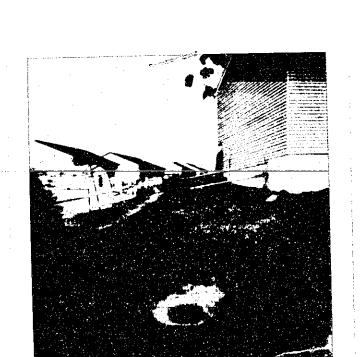
Petitioner's Chibit 3

Protestant's Chlibits 1

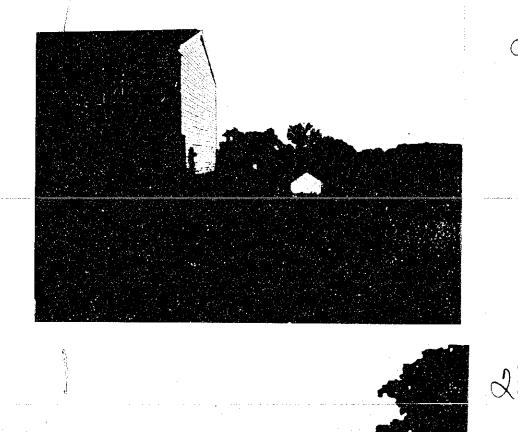
(Rep., neighborhood Os Galdentree

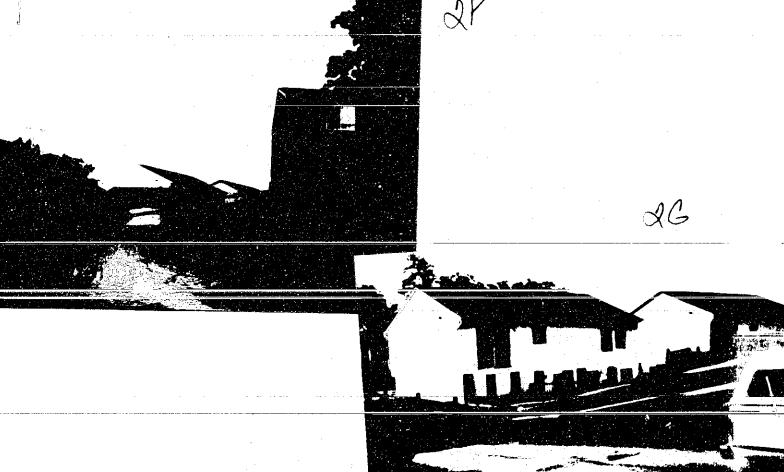








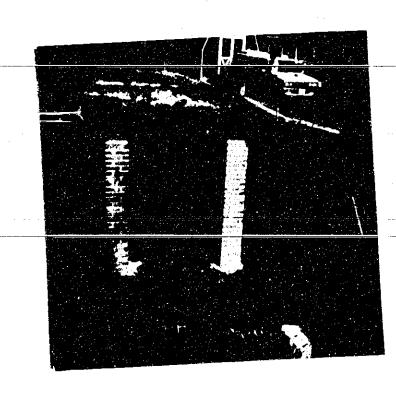


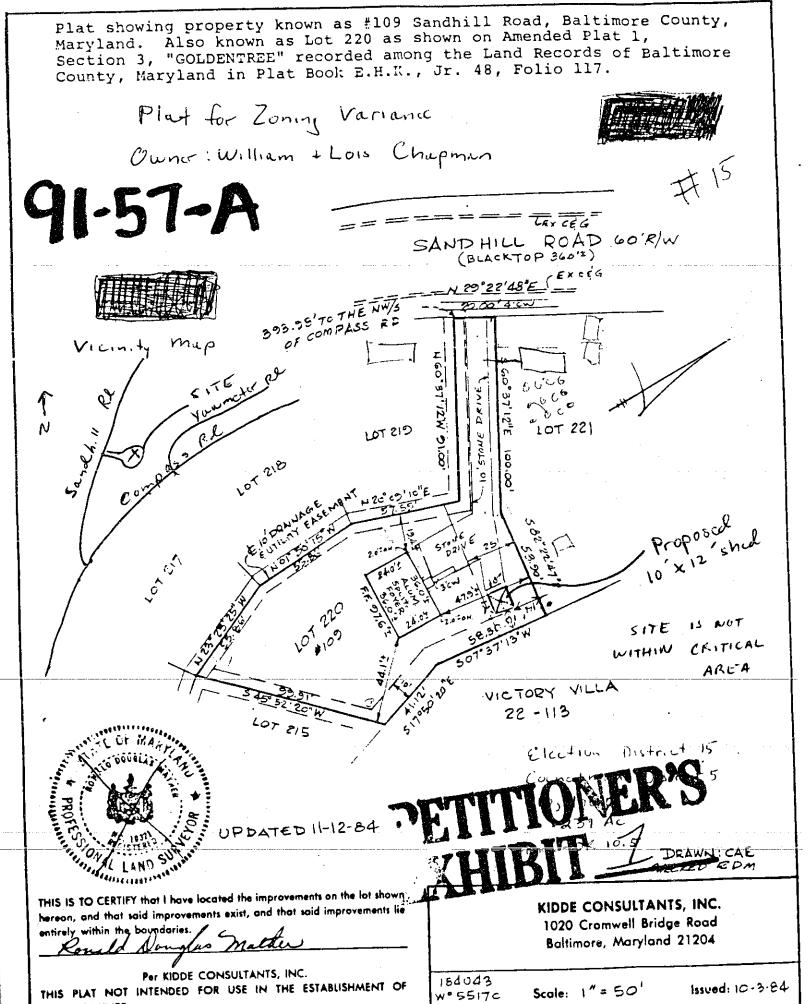




PLEASE PRINT CLEARLY







Rev. 9/77

TESTART'S HIBIT A

GOLDENTREE COMMUNITY ASSOCIATION, INC. P.O. BOX 18429 BALTIMORE, MD 21237

October 9, 1990

Office of the Zoning Commissioner 111 Allegheny Avenue Towson, Maryland 21204

Reference: Hearing #91-57-A 109 Sendhill Road

As the elected officials of The Goldentree Community Association, representing the best interests of the homeowners of the community known as Goldentree, we wish to protest the zoning variance posted at 109 Sandhill Road, Essex, MD 21221, a home within the boundaries and subject to the restrictive convenants of the Goldentree community.

We appose the building of or continued placement of a storage shed in the front yard of 109 Sandhill Road. This is in direct violation of the restrictive conventants stating "No building, fence or other structure shall be located on any lot nearer to the front lot line than the minimum building set back lines as shown on the recorded plat. In any event, no building, fence or other structure shall be located on any lot nearer then twenty-five (25) feet to the front lot line." This 25 foot set back prevents sheds, etc. from being located in the front yards of home, which are all set back an equal distance from the curb. The oncly exceptions to the standard curb-front set backs are the "Flag Lots", such as 109 Sandhill Road. It is our position whether or not the storage building meets the 25-fact set back, it is inconsistent with all other homes with storage sheds in the community.

Although the fence erected on the property adjoining the driveway of 109 Sandhill Road, also violates the covenants regarding set back from the front of the house, it does not look out of character with the other fences in the community, as it appears to belong to the home directly fronting Sandhill Road. As of this date, we do not oppose the present split rail fence running along the driveway of 109 Sandhill Road. We would however oppose any fence greater in height than 4 feet or any fence closer to Sandhill Road than 8 feet behind the front fecia of 111 & 107 Sandhill Road.

If you wish to contact us, please feel to write us at the P.O. Box listed above.

Haren fox Karen Fox, President

10 Yew Road, Essex, MD 21221

Jeffrey Miller, Treasurer 8914 Goldentree Lane, Essex, MD 21221

Charlyn Cassady, Secretary Old Maple Court, Essex, MD 21221

GOLDENTREE DEVELOPMENT COMPANY P. O. Box 5890 BALTIMORE, MARYLAND 21208

(301) 256-X000 1001

October 2, 1990

EXHIB

Mr. & Mrs. Charlie Graves 111 Sandhill Road Baltimore, MD 21221

Dear Mr. and Mrs. Graves:

We are in receipt of your letter of September 30 and agree with the points that you set forth in your letter.

It is suggested that a representative group of lot owners from your neighborhood appear at the October 11 hearing and vigorously protest the amendment to the Final Development Plan and the granting of a permit to place a structure in the front yard of a lot. As of this date we have not received a request to consider this structure as provided in the recorded Covenants, Conditions and Restrictions for your neighborhood.

Very truly yours,

Cfru kw Lewis M. Hess, Jr.

artic to my for approval
of the neighbore



